

### REMARKS

Claims 1-9 and 12-19 were pending in this Application. Claims 1-9 and 12-19 were rejected. Claims 1, 2, and 14 have been amended in this response. Claims 1-9 and 12-19 remain pending. Applicants respectfully request favorable action.

#### Claim Objections

The Examiner objected to claims 1 and 2 because of informalities. Applicants have amended the claims as suggested by the Examiner, and wish to thank the Examiner for raising the issue.

#### Rejections under 35 U.S.C. §103(a)

The Examiner rejected claims 1-9 and 12-19 under Section 103(a) as being unpatentable over Herz *et al.*, U.S. Patent Application Publication No. 2001/0014868 (hereinafter, “Herz”).

**Claim 1** Applicants have amended claim 1 to recite that the user data includes wherein the user data includes Internet service type data indicative of a type of the user’s Internet service and browser type data indicative of a type of an Internet browser associated with the user’s Internet service. See, e.g., ¶ [0017] of the Application as published in U.S. Pub. Pat. App. 2005/0080667.

Applicants respectfully submit that claim 1 as amended is patentable over the cited reference because the cited reference does not teach all of the claim elements. As the U.S. Supreme Court recently indicated, the rationale to support a conclusion that the claim would have been obvious is that *all claimed elements were known in the prior art* and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art. *KSR International Co. v. Teleflex Inc.*, 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d 1385, 1395 (2007).

Herz does teach all of the elements recited in claim 1 as amended. As an example, Herz does not teach user data that includes Internet service type data indicative of a type of the user's Internet service and browser type data indicative of a type of an Internet browser associated with the user's Internet service. To the contrary, the shopper profile taught by Herz consists of data regarding a shopper's: age, sex, income, web pages visited, and items purchased. Herz, ¶ [0029] and Table A. Herz does not teach or suggest the use of Internet service type and browser type in a shopper's profile.

Because the cited reference does not teach all of the claim elements, Applicants respectfully submit that claim 1 as amended is patentable over the cited reference. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the Section 103(a) rejection of claim 1.

**Claims 2 and 14** Analogous amendments have been made to independent claims 2 and 14. For reasons analogous to those presented above with respect to claim 1, Applicants respectfully request the Examiner to reconsider and withdraw the Section 103(a) rejections of claims 2 and 14 and their respective dependent claims.

### **CONCLUSION**

Applicants believe that this document contains a reply to every ground of objection and/or rejection raised in the Office Action. Applicants respectfully request favorable action for the pending Claims.

Applicants do not believe that a fee is due at this time, but Applicants, nevertheless, hereby authorize the Commissioner to charge any fees necessary, or credit any overpayment, to the Deposit Account of Jackson Walker L.L.P., No. 10-0096.

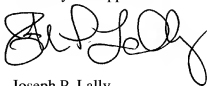
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If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.236.2019.

Respectfully submitted,  
JACKSON WALKER L.L.P.  
Attorney for Applicants

A handwritten signature in black ink, appearing to read 'J. P. Lally', with a stylized, flowing script.

Joseph P. Lally  
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